Crl.R.No. 704 OF 2006.

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Present : Mr.R.K.Gupta, Advocate,
for the petitioner.

Mr.B.S.Baath, AAG, Punjab.

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Prayer in the present revision petition is for setting aside the order, dated 11.2.2006, passed by the learned Additional Sessions Judge, Gurdaspur.

Counsel for the petitioner contends that the learned Additional Sessions Judge, Gurdaspur erroneously dismissed the application for release of the weapons belonging to the petitioner. The learned trial Court held that as the weapons were case property and were to be produced during evidence, they could not be released. It is contended that the petitioner is not an accused. The weapons belong to him, and as he resides in a terrorist affected area of Jammu & Kashmir, he requires the weapons for his defence. It is prayed that the impugned order be set aside.

Counsel for the respondent, on instructions from HC Lakhwinder Singh, Police Station Dhariwal, states that the weapons have been produced before the trial Court and witnesses with respect to the recovery have been examined. The learned trial Court, vide the impugned order, has granted liberty to the petitioner to file a fresh application, after the weapons are produced in Court. It is, therefore, prayed that the present petition be dismissed.

I have heard learned counsel for the parties and perused the paper book.

The impugned order grants liberty to the petitioner to file a

fresh application, after the weapons are produced in Court. Admittedly, the weapons have been produced in Court and witnesses in respect thereof have been examined.

In view of the aforementioned facts, the petitioner would be at liberty to file a fresh application for release of the weapons on sapurdari. In case such an application is filed, the learned trial Court shall decide the same, in accordance with law, within a period of 15 days of its filing.

The present petition stands disposed of.

(RAJIVE BHALLA)
JUDGE

November 13, 2006.
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